

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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AMRAM LINKOV,

Plaintiffs,

-against-

DAVID GOLDING *d/b/a* SUKI & DING  
*d/b/a* SUKI & DING PRODUCTIONS,

**MEMORANDUM AND ORDER**  
Case No. 12-CV-2722 (FB) (LB)

Defendant.

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**BLOCK, Senior District Judge:**

On October 4, 2013, Magistrate Judge Bloom issued a report and recommendation ("R&R") recommending that the Court grant defendant's motion to vacate the entry of default that was entered against him on March 28, 2013. The R&R also recommended that the Court allow defendant's answer to be filed *nunc pro tunc*.

The R&R recited that "the parties shall have fourteen days from service of this Report to file written objections" and that "[f]ailure to file a timely objection . . . generally waives any further judicial review." R&R at 8. On October 4, 2013, the R&R was served on counsel for Golding, making objections due by October 18, 2013. To date, no objections have been filed.

If clear notice has been given of the consequences of failure to object, and there are no objections, the Court may adopt the R&R without *de novo* review. *See Thomas v. Arn*, 474 U.S. 140, 149-50 (1985); *Mario v. P & C Food Mkts., Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) ("Where parties receive clear notice of the consequences, failure timely to object to

a magistrate's report and recommendation operates as a waiver of further judicial review of the magistrate's decision."). The Court will excuse the failure to object, however, and conduct *de novo* review if it appears that the magistrate judge may have committed plain error. *See Spence v. Superintendent, Great Meadow Corr. Facility*, 219 F.3d 162, 174 (2d Cir. 2000).

The R&R contains no error, let alone plain error. Accordingly, the Court adopts it without *de novo* review. The defendant's motion to vacate the default is granted, and defendant's answer shall be filed *nunc pro tunc*.

**SO ORDERED.**

/S/ Frederic Block  
FREDERIC BLOCK  
Senior United States District Judge

October 29, 2013  
Brooklyn, New York